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# **News Release**

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## **2 indicted for sending more than 15,000 misbranded drugs to customers**

A federal grand jury has returned an indictment against two Twin Cities men for allegedly releasing more than 15,000 misbranded drugs to customers.

In an indictment filed with the court earlier today, Nicholas David Lundsten, 26, Spring Lake Park, and Patrick James Barron, 29, Fridley, were charged with one count of introduction into interstate commerce of misbranded drugs and one count of importation of non-narcotic Schedule IV controlled substances. The indictment alleges the defendants caused the introduction and delivery of 3,600 pills falsely labeled as Cialis, 1,582 pills falsely labeled as Propetia, 10,419 pills falsely labeled as Viagra; and 340 pills falsely labeled as Levitra. In fact, all of the drugs contained the active pharmaceutical ingredients of the drugs they imitated but were not the authentic product as labeled and were not made by the respective manufacturer. The indictment alleges this occurred from an unknown date through December 2008.

The indictment also alleges the defendants knowingly imported into the United States 39,288 pills purporting to be Xanax, a sedative that contains Alprazolam, a non-narcotic Schedule IV controlled substance, and 27,336 pills purporting to be Phentermine, a weight-loss drug, that contained Sibutramine, another non-narcotic Schedule IV controlled substance, rather than Phentermine.

If convicted, the introduction count carries a maximum penalty of one year in prison, and the importation count carries a maximum penalty of five years in prison. All sentences are determined by a federal district court judge.

This case is the result of an investigation by the U.S. Food and Drug Administration-Office of Criminal Investigation, U.S. Immigration and Customs Enforcement and the U.S. Postal Inspection Service, with assistance from U.S. Customs and Border Protection. It is being prosecuted by Assistant U.S. Attorney David J. MacLaughlin.

An indictment is a determination by a grand jury that there is probable cause to believe that offenses have been committed by a defendant. A defendant, of course, is presumed innocent until he or she pleads guilty or is proven guilty at trial.